

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

JOSEPH MORENO,)	CASE NO. 3:11-CV-00179-ECR-WGC
)	
Plaintiff,)	MINUTES OF THE COURT
)	
vs.)	DATED: JUNE 11, 2012
)	
CATHERINE CORTEZ MASTO, et al.,)	
)	
Defendant(s).)	

PRESENT: HONORABLE WILLIAM G. COBB , U.S. MAGISTRATE JUDGE

Deputy Clerk: Katie Lynn Ogden Reporter: FTR: 9:34:25 a.m. - 10:17:57 a.m.

Counsel for Plaintiff(s): Joseph Moreno, In Pro Per (Telephonically)

Counsel for Defendant(s): Jeffrey Paul Hoppe

PROCEEDINGS: **MOTION HEARING**

9:34 a.m. Court convenes.

The Court reviews the status of this case with the parties and determines that Plaintiff's Reply to Defendants' Answer (Dkt. No. 73) is an unnecessary filing and that to the extent the document seeks any relief, it is deemed moot. The Court further notes that Plaintiff's Amended Complaint (Dkt. No. 59) and Defendants' Answer to the Amended Complaint (Dkt. No. 67) results in Plaintiff's Motion for Summary Judgment (Dkt. No. 57) as being moot and no longer pending before the Court. Therefore, Plaintiff's Motion for Summary Judgment (Dkt. No 55) is deemed **moot** (as previously ordered in court order Dkt. No 58).

The Court inquires about Plaintiff's motion entitled "*Respectfully Requesting Relief of Defendants Retaliation*" (Dkt. No. 55) and whether a response has been filed to the motion. Mr. Hoppe explains that it appears that the response was drafted but has not been submitted for filing. The Court requests Mr. Hoppe to file the response as soon as possible.

Turning to Plaintiff's Motion to Compel (Dkt. No. 52), the Court asks Mr. Moreno that out of the sixteen document requests in his request for production, which specific requests need to be addressed during this hearing to resolve any disputes. Mr. Moreno identifies request #6, #12, #15, and #16 that need to be addressed. After hearing argument from both Mr. Moreno and Mr. Hoppe the Court orders the following regarding the four requests for production:

Request No. 6: Mr. Hoppe shall provide Mr. Moreno with an unredacted copy of the State of Nevada Department of Corrections Case Note Printout Report from November 2, 2006 to November 2, 2006. Defendants' objection is therefore **OVERRULED**.

Request No. 12: The Court does not find relevance of Mr. J.C. Lister's arrival date and housing unit assignment in regards to Plaintiff's claims in this matter. This request is therefore **DENIED**.

Request No. 15: The Court does not find any relevance or likelihood that this request will lead to the discovery of admissible evidence; therefore, the Defendants' objection to this request is **SUSTAINED**.

Request No. 16: The Court finds that the request has been adequately answered by Defendants' reference to the response to request for production number 8; therefore, Defendants' objection to this request is **SUSTAINED**.

The Court next addresses Plaintiff's latest filing as of June 8, 2012, "*Notice of a Harmless Error*" (Dkt. No. 77). Plaintiff advises the Court that his latest filing includes Exhibit A with the Certificate of Service page of the Defendants' Response to Plaintiff's Request for Production of Documents (First Set). Mr. Hoppe explains that the document which Plaintiff refers to is a draft response that was inadvertently provided to Mr. Moreno. In response to the "*Notice of a Harmless Error*" document, the Court finds that in the process of Plaintiff's prosecution of this case, Mr. Moreno may make comments as to the alleged discrepancies found in Exhibit A of Plaintiff's Dkt. No. 77 and Defendants' response Dkt. No. 54. However, there is no additional relief the Court can provide as to Plaintiff's Dkt. No. 77.

The Court readdresses Plaintiff's motion entitled "*Respectfully Requesting Relief for Defendants Retaliation*" (Dkt. No. 55). After the Court is advised that Plaintiff has secured all documents that were previously removed from his possession, it appears that the motion does not present any claim for which relief can be provided by the Court. Plaintiff's motion, Dkt. No. 55, is therefore **DENIED**. If there was a response drafted by the Defendants' it shall be filed; should there not be a response, the court order will be sufficient as to Dkt. No. 55.

IT IS SO ORDERED.

10:17 a.m. Court adjourns.

LANCE S. WILSON, CLERK

By: /s/ Katie Lynn Ogden, Deputy Clerk